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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,261	11/01/2001	Charles G. Williamson	09741620/0205	8360

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EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

13

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/001,261

Applicant(s)

WILLIAMSON, CHARLES G.

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Response to Amendment***

1. This action is in response to the amendment filed on 3/4/2004.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in the following Office action.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-14, 22-25 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey et al U.S. Patent no. 5,521,445 (hereinafter Letorey) in view of Olson U.S. Patent No. 5,463,932.

**Regarding claims 11, 22 and 33**

Letorey teaches receiving at a coffeemaker apparatus with a network interface at least one timer settings at the network interface (col. 1 lines 43-51, "the device is characterized ... programmed absolute time"); setting a clock with the at least one timer settings (col. 2 lines 24-30, "at least one master ... the absolute time") but does not teach storing the at least one timer setting in a memory in the coffeemaker apparatus. However, Olson teaches storing the at least one timer setting in a memory in the coffeemaker apparatus (col. 3 lines 30-35, "The CPU 32 respectively stores ... data via electrical signals 52"). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to incorporate the coffee maker of Olson with the device of Letorey because it would provide for effectively control the coffee maker to operate at a certain time or for varying the amount of time the grinder is to be operated.

**Regarding claims 12, 23 and 34**

Letorey teaches

- setting a state of the coffeemaker apparatus (col. 2 lines 36-39, “the control means 10 ... fix a relative time”);
- formatting a state message containing the state (col. 2 lines 36-54, “the control means 10 ... a bus of the type 12C”); and
- transmitting the state message from the network interface for reception by another device (col. 2 lines 30-35, “control means 10 ... of such coincidence.”).

**Regarding claims 13, 24 and 35**

Letorey teaches

- setting the state of the coffeemaker apparatus to a not ready state upon the setting of the clock with the at least one timer settings (col. 2 lines 33-35, “an inactive state ... of such coincidence”).

**Regarding claims 14, 25 and 36**

Letorey teaches

- signaling from an input device on the coffeemaker apparatus and setting the state of the coffeemaker apparatus to a ready to brew state in response to the signaling of the input device (col. 2 lines 62-65, “the user desires ... wake up time”).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-19, 26-30 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Olson and further in view of Vancha U.S. Patent no. 4,980,540.

**Regarding claims 15, 26 and 37**

Letorey and Olson teaches setting the state of the coffeemaker apparatus to a brewing state but does not teach the identification that the clock has reached one of the at least one timer settings; and initializing a brew timer to a predetermined time value. However, Vancha teaches the identification that the clock has reached a timer setting (col. 3 lines 17-19, "The electronic timer 115 ... the brewing time"); initializing a brew timer to a predetermined time value (col. 3 lines 20-21, "Momentary switch 117 ... a predetermine time"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the internal electronic timer of Vancha with the coffee maker system of Letorey and Olson because it would provide for activating the functions of the coffee making machine remotely by synchronized the network timers and the coffee maker's internal clock.

**Regarding claims 16, 27 and 38**

Vancha teaches the identification that brew timer has expired (col. 3 lines 22-23, "momentary switch 119 ... time has expired"); setting a warming timer in response to the brew timer expiring (col. 9 lines 22-28, "if coffee sits in ... tend to change"). It would have been obvious to have a

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state change to a coffee ready state when the brew timer expired because the coffee is in fact ready for use.

**Regarding claims 17, 28 and 39**

Vancha teaches the identification that the warming timer has expired and changing the state of the coffeemaker apparatus to a not ready state in response to the expiration of the warming timer (col. 9 lines 32-36, “many operators find ... its consumption life”).

**Regarding claims 18, 29 and 40**

Letorey, Olson and Vancha do not teach the deactivating a warming plate in response to expiration of the warming timer. However, it is obvious to have the warming plate deactivate from any heating element because the timer has expired from warming and no indication of another brewing period has been received by the controller.

**Regarding claims 19, 30 and 41**

Letorey teaches displaying on a display a time from the clock (abstract).

7. Claims 20, 31 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Olson and further in view of Abrams et al. U.S. Patent no. 6,587,739.

**Regarding claims 20, 31 and 42**

Letorey and Olson do not teach displaying on a display a state of the coffeemaker appliance. However, Abrams et al. teaches the status information of the coffeemaker appliance is displaying on a display (col. 16 lines 4-7, “a display 262 ... displaying status information”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display of Abrams et al. with the network of appliances of Letorey and Olson

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because it would provide for showing the status of the coffee appliance during the brewing process in order to allow users aware of each state as the process happened.

8. Claims 21, 32 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letorey in view of Olson and further in view of Burklin U.S. Patent no. 5,848,028.

**Regarding claims 21, 32 and 43**

Letorey and Olson teach the network interface with the coffeemaker appliance but do not teach receiving a time synchronization message at the network interface and setting the clock in response to the time synchronization message. However, Burklin teaches receiving a time synchronization message at the network interface (col. 4 lines 10-20, “an internal device ... of time information.”) and setting the clock in response to the time synchronization message (col. 4 lines 24-34, “Incoming time information ... may be included.”). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the synchronization information of Burklin with the network of appliances of Letorey and Olson because it would provide for synchronizing clocks of a plurality of devices connected to a network in order to exchange data more effectively and accurately within a network.

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***Response to Arguments***

9. Applicant's arguments with respect to claims 11-43 have been considered but are moot in view of the new ground(s) of rejection.

In the remark the applicant argues that cited reference fails to disclose:

- “storing the at least one timer setting in a memory in the coffeemaker apparatus” as cited in claims 11, 22 and 33.

In response to applicant's argument,

- It was noted that prior art (Olson U.S. Patent No. 5,463,932) teaches (column 3 lines 30-32, “The CPU 32 respectively stores and accesses data in memory 48 through electrical signals 50 and 52. Data such as the time to begin making coffee”). Therefore, it is clear that at least one timer setting is stored within the memory of the coffee maker of Olson. Thus, limitations are met by the reference.



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**Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Thomas Pham**  
*Patent Examiner*

TP

May 4, 2004

  
**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**